A

LETTER

TO

THE HON. SAMUEL A. ELIOT,

REPRESENTATIVE IN CONGRESS FROM THE CITY OF BOSTON,

IN REPLY TO HIS

APOLOGY FOR VOTING FOR THE FUGITIVE SLAVE BILL.

BY HANCOCK.

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A LETTER, &c.

Sir, —

An English courtier procured a colonial judgeship for a young dependant wholly ignorant of law. The new functionary, on parting with his patron, received from him the following sage advice, — "Be careful never to assign reasons, for whether your judgments be right or wrong, your reasons will certainly be bad." You have cause to regret that some friend had not been equally provident of your reputation, and intimated that it was only expected of you to vote for Mr. Webster's measures, but by no means to assist him in vindicating them. You did, indeed, vote precisely as those who procured your nomination intended you should; yet, on your return home, you found your name had become a byword and a reproach in your native State. Another election approached, but you declined submitting your recent course to the judgment of the electors, and withdrew from the canvass. But although the people were thus prevented from voting against you, they persisted in speaking and writing against you. Anxious to relieve yourself from the load of obloquy by which you were oppressed, in an evil hour you rashly appealed to the public through the columns of a newspaper, and gave the "reasons" of your vote for the Fugitive Slave Law. You had a high and recent example of the kind of logic suited to your case. You might have indulged in transcendental

nonsense, and talked about the climate, soil, and scenery of New England and the wonders of physical geography, and, assuming that negroes were created free, you might have contended that, in voting for a law to catch and enslave them, you had avoided the folly of reënacting the law of God. Reasons of this sort, you and others had declared, "had convinced the understanding and touched the conscience of the nation." Instead of following an example so illustrious and successful, you assign "reasons" so very commonplace, that the most ordinary capacity can understand them, and so feeble, that the slightest strength can overthrow them.

Your first "reason" is, that the delivery of fugitives is a constitutional obligation. By this you mean, that, by virtue of the construction of a certain clause in the Constitution by the Supreme Court, Congress has the power to pass *a* law for the recovery of fugitive slaves. Well, Sir, does this constitutional obligation authorize Congress to pass *any* law whatsoever on the subject, however atrocious and wicked? Had you voted for a law to prevent smuggling, in which you had authorized every tide-waiter to shoot any person suspected of having contraband goods in his possession, would it have been a good "reason" for such an atrocity, that the collection of duties was "a constitutional obligation"? You are condemned for voting for an arbitrary, detestable, diabolical law, — one that tramples upon the rights of conscience, outrages the feelings of humanity, discards the rules of evidence, levels all the barriers erected by the common law for the protection of personal liberty, and, in defiance of the Constitution, and against its express provisions, gives to the courts the appointment of legions of slave-catching judges. And your "reason" for all this is, that the delivery of fugitives is "a constitutional obligation"! The "obligation" is not in issue. Please to understand, Sir, that it is not denied. It is for the *manner* in which you profess to have discharged the obligation that you are censured, and be it re-

membered, that not one of the obnoxious provisions of your law is required by the Constitution. You go on and attempt to enlighten your constituents as to the history of this constitutional obligation. As the obligation affords you no apology for the iniquitous features of your law, its history is, of course, mere surplusage, and serves no other purpose than to divert the attention of your readers from yourself. About two thirds of your apology is occupied with an historical disquisition, which has as much to do with your vindication as the question respecting the existence of a lunar atmosphere. I will not, however, withhold from you whatever benefit you may derive from either your logic or your history, but will give each a fair and honest examination. You inform the public that, at the time the Constitution was formed,

"Slavery had been abolished in some of the States, and still existed in others. Here seemed an insurmountable incompatibility of interests, and nothing perplexed the wise men of that day — and they were *very* wise men — so much as this topic. At last they agreed that the new Constitution should have nothing to do with it; that the word *slavery* should not be mentioned in it, and that it should be left to the States themselves to establish, retain, or abolish it, just as much after the adoption of the Constitution as before. But in order to secure the existence of the institution to those States who preferred it, it was agreed that the persons escaping from labor to which they were bound, in one commonwealth, and found in another, should be returned to the State from which they had fled. The provision was necessary for the preservation of this interest *in statu quo*. It did not extend slavery. It kept it where it already was, and where it could not have continued if every slave who escaped North was at once free and irreclaimable. The members of the confederacy from the South saw this distinctly, and *deliberately declared* that they could not and would not enter a union with States who would tempt away their slaves with the prospect of immediate and permanent freedom. . . . . The Constitution was adopted with this provision, and it could not have been adopted without it."

Thus we learn from you, Sir, that when the Constitution

was formed, "slavery had been abolished in some of the States." It is a pity you did not vouchsafe to tell us which of the States had thus early and honorably distinguished themselves. Of the thirteen American States in 1787, how many, Sir, had *by law* abolished slavery? NOT ONE. Your "some States" consisted of MASSACHUSETTS alone. And how was slavery abolished there? Not by any express prohibition in her constitution, nor by any act of her legislature. Fortunately, her constitution, like that of most other States, contained a general declaration of human rights, somewhat similar to the "rhetorical abstraction" in the Declaration of Independence. Two or three years before the Federal Convention assembled, a young lawyer, perceiving that the declaration in the constitution had inadvertently made no exclusion of the rights of men with dark complexions, brought an action for a slave against his master for work done and performed. An upright and independent court, not having the fear of our Southern brethren before their eyes, decided that the slave was a MAN, and therefore entitled to the rights which the constitution declared belonged to *all* men, and gave judgment for the plaintiff. In this way, Sir, was slavery abolished in Massachusetts, and hence the delegates from Massachusetts in the Convention were the only ones who represented a *free* State. And now, Sir, what becomes of your "insurmountable incompatibility of interests" arising from the fact that "slavery had been abolished in some States and still existed in others," which you tell us so much perplexed the wise men of that day? We shall see, Sir, that on questions touching human bondage the Massachusetts delegation seem to have been slaveholders in heart, and did not partake of the perplexity which troubled the wise men. With the exception of that delegation, there were not probably half a dozen members of the convention who were not slaveholders.

It would seem from your historical review, that the clause in the Constitution respecting fugitive slaves was

the grand compromise between the North and the South, without which "the Constitution could not have been adopted"; and that to this clause we owe our glorious slave-catching Union. You fortify this wonderful historical discovery by appealing to the "deliberate declarations" of Southern members, that they "would not enter a union with States who would tempt away their slaves," &c. It is to be regretted that you have not deemed it expedient to refer to the records of these declarations, as other students of our constitutional history are wholly ignorant of them. Suffer me, Sir, to enter into a few historical details, for the purpose of vindicating the liberty I take to differ with you as to the accuracy of your statements.

The Convention met in Philadelphia, 25th May, 1787. On the 29th of the same month, Mr. Randolph, of Virginia, submitted a plan of government. It contained no allusion to fugitive slaves. On the same day, Mr. Charles Pinckney, of South Carolina, submitted another plan. This last provided for the surrender of fugitive criminals, but was silent about fugitive slaves. On the 15th of June, Mr. Patterson, of New Jersey, submitted a third plan. This also provided for the surrender of fugitives from justice, but not from bondage. On the 18th, Mr. Hamilton announced his plan, but the fugitive slave found no place in it. On the 26th of June, the Convention, having agreed on the general features of the proposed Constitution in the form of resolutions, referred them to "a committee of detail," for the purpose of reducing them to the form of a Constitution. In these resolutions, there was not the most distant allusion to fugitive slaves. On the 6th of August, the committee reported the draft of a Constitution, and yet, strange as you may deem it, the provision without which, you tell us, the Constitution could not have been adopted, was not in it, although there was in it a provision for the surrender of fugitive criminals. For three months had the Convention been in session, and not one syllable had been uttered about fugitive slaves. At last, on the 29th of

August, as we learn from the minutes, "It was moved and seconded to agree to the following proposition, to be inserted after the 15th article: 'If any person, bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor,' *which passed unanimously.*" Really, Sir, I find in this record but little evidence of the perplexity which distressed our wise men, or of the great compromise between the North and South, on which you dwell. The 15th article, referred to above, was the article providing for the surrender of fugitives from justice, and this suggested the idea, that it would be well to provide, also, for the surrender of fugitive slaves. In an assembly consisting almost exclusively of slaveholders, the idea was exceedingly relished; and without a word of opposition, the suggestion was unanimously adopted. From Mr. Madison's report we learn that, the day before, Messrs. Butler and Pinckney had informally proposed that fugitive slaves and servants should be delivered up "like criminals." "Mr. Wilson [of Penn.]. This would oblige the Executive of the State to do it at the public expense. Mr. Sherman [of Conn.] saw no more propriety in the public seizing and surrendering a slave or servant than a horse." (*Madison Papers*, p. 1447.) The subject was here dropped. The next day the motion was made in form, and, as Mr. Madison says, "agreed to, *nem. con.*" From the phraseology of the motion, and the objections of Messrs. Wilson and Sherman, it was perfectly understood that the obligation of delivery was imposed on the States, and that no power was intended to be conferred on Congress to legislate on the subject. Messrs. Wilson and Sherman's objections arose from no moral repugnance to slave-catching, but from the inconvenience they apprehended the *State* authorities would be subjected to; and Mr. Wilson perhaps spoke from experience, as his

own State had at that very time a law for catching and returning fugitive slaves from other States. The idea, therefore, that this agreement was a *compromise* between the North and South is wholly imaginary, and you, Sir, must have mistaken some recent fulminations from the Southern chivalry for the "deliberate declarations" which you suppose were made in the Convention. Believe me, Sir, no members of the Convention ever declared they would not enter into the Union, unless it was agreed to surrender fugitive slaves, for the obvious reason, that the Northern slaveholders required no threats from their Southern brethren to consent to a compact convenient to both. It is very true, Sir, that there were compromises, and that there were "deliberate declarations," but they had no reference to the surrender of runaway slaves. I have pointed out your historical mistake, not because it has the remotest bearing on your justification, but because you seem to think that it has.

The first great compromise was between, not the North and the South, but the small and the large States. The one claimed, and the other refused, an equality of suffrage in the national legislature. It was at last agreed, that the suffrage should be equal in one house, and according to population in the other. This was the first compromise. Then came the question, What should constitute the representative population? The Southern States had more slaves than the Northern, and the former insisted that slaves should be included in the representative population. This would have given the Southern States an unfair preponderance in Congress. Moreover, a portion of the Southern States were engaged in the African slave-trade, and, of course, every slave landed on their shores would increase their political power in Congress. To reconcile the North to slave representation, it was offered that *direct taxation* should be proportioned to representation. But the North was reluctant, and, as usual, was bullied into a compromise. Mr. Davie, of North Carolina, made a "deliberate

declaration": — "He was sure that North Carolina would never confederate on any terms that did not rate them (the slaves) at least as three fifths. If the Eastern States meant, therefore, to exclude them (the slaves) altogether, the business was at an end." (*Madison Papers*, p. 1081.) This threat, and others like it, settled the matter. The compromise, of three fifths of the slaves to be included in the representative population, was accepted on the motion of *a New England member;* and the consequence is, that the slave States have now twenty-one members in the lower house of Congress more than they are entitled to by their free population. This was the second compromise. There was still a third, far more wicked and detestable, and effected by the "deliberate declarations" of Southern members. The "committee of detail" has been already mentioned. It consisted of Messrs. Rutledge of South Carolina, Randolph of Virginia, Wilson of Pennsylvania, Ellsworth of Connecticut, and Gorham of Massachusetts. This committee, it will be recollected, were to reduce to the *form* of a Constitution the resolutions agreed on by the Convention. Neither in the resolutions themselves, nor in the discussions which preceded their adoption, had any reference been made to a guarantee for the continuance of the African slave-trade. Nevertheless, this committee, of their own will and pleasure, inserted in their draft the following clause: — "No tax or duty shall be laid by the legislature on articles exported from any State, *nor on the migration or importation of such persons as the several States shall think proper to admit, nor shall such migration or importation be prohibited.*" To understand the cunning wickedness of this clause, it must be recollected that Congress was to have power to regulate foreign commerce, and commerce between the States; and hence it might, at a future time, suppress both the foreign and domestic commerce in human flesh, or it might burden this commerce with duties. Hence this artfully expressed perpetual restriction on the power of Congress to interfere with the traffic in human

beings. As this grand scheme was concocted in the committee, and not in the Convention, it may be interesting to inquire into its paternity.

In the debates which ensued on this clause, Mr. Ellsworth, one of the committee who reported it, "was for leaving the clause as it now stands. *Let every State import what it pleases.* The morality or wisdom of slavery are considerations belonging to the States themselves. *What enriches a part enriches the whole*, and the States are the best judges of their particular interests. The old Confederation had not *meddled* with this point, and he did not see any greater necessity for bringing it within the policy of the new one." "As slaves multiply so fast in Virginia and Maryland that it is *cheaper* to raise than to import them, whilst in the *sickly* rice-swamps foreign supplies are *necessary*, if we go no farther than is urged [a proposal to permit the trade for a limited time], we shall be unjust towards South Carolina and Georgia. Let us not intermeddle." (*Madison Papers*, pp. 1389, 1391.) This gentleman was one of your "very wise men"; and his mantle has recently fallen upon other wise men from the East. Mr. Wilson, another member of the committee, objected. "All articles imported," said he, "are to be taxed; slaves alone are exempt. This is, in fact, a bounty on that article." The clause was referred to another committee, who modified it, by limiting the restriction to 1800. It was moved to guarantee the slave-trade for twenty years, by postponing the restriction to 1808. This motion was *seconded* by Mr. Gorham, another member of the committee. Mr. Randolph, also of the committee, was against the slave-trade, and opposed to any restriction on the power of Congress to suppress it. Two of the committee, then, we find, were against the trade, and three, Messrs. Rutledge, Ellsworth, and Gorham, for perpetuating it. And now, Sir, what were the inducements which prevailed on the two wise men from the East to yield their consent to a proposition so wicked and

abominable? We are, of course, not informed what passed in the committee, but we can well imagine, from the language used by the chairman and others in the Convention. Said Mr. Rutledge, "If the Convention thinks North Carolina, South Carolina, and Georgia will ever agree to this plan [the Federal Constitution] unless their right to import slaves be untouched, the expectation is VAIN. The people of those States will never be such fools as to give up so important an interest." In other words, "Gentlemen of the North, no Union without the African slave-trade." Said Mr. Charles Pinckney, "South Carolina can never receive the plan [of the Constitution] if it prohibits the slave-trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes." (*Madison Papers*, p. 1389.) Mr. Charles C. Pinckney "thought himself bound to declare candidly, that he did not think South Carolina would stop her importations of slaves in any short time." Thus you see, Sir, that the "deliberate declarations" to which you allude were made in reference to the continuance of the African slave-trade, and not, as you suppose, to the catching of fugitive slaves. Two New England gentlemen of the committee yielded to these declarations, and sacrificed conscience and humanity for the sake of the Union, and the consideration that what enriched a part enriched the whole. Happily, in this case, Southern bluster was met by Southern bluster, and it is owing to Virginia, and not to the virtue and independence of New England, that the Constitution was rescued from the infamy of granting a solemn and perpetual guarantee to an accursed commerce.

In Virginia, the slaves, as Mr. Ellsworth remarked, multiplied so fast, that it was *cheaper* to raise than import them. She was then, as now, a breeding State for the Southern markets. Hence, her delegates were as ready to bluster for protection, as the South Carolina delegates were for a free trade in men and women. Of course, the *motives* assigned

were patriotic, not selfish. Mr. Randolph "could never agree to the clause as it stands. He would sooner RISK THE CONSTITUTION." (*Madison Papers*, p. 1396.) Mr. Madison would not consent to the continuance of the traffic till 1808. "Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character, than to say nothing about it in the Constitution." (*Madison Papers*, p. 1427.) Mr. Mason from Virginia denounced the traffic as "infernal." (*Madison Papers*, p. 1390.) The result of all these threats on each side was, as usual, a compromise, by which Congress was prohibited from suppressing the foreign and internal commerce in slaves for twenty years, and was left at liberty to do as it might see fit, after that period. After twenty years the foreign trade was suppressed, and North and South Carolina and Georgia remained in the Union! Virginia, as well as the other Slave States, is greatly interested in the home slave-trade, and that has *not* been suppressed, although Congress has full power over it.

It does not appear from Mr. Madison's report what reply was made in the Convention to the Virginia objections, but in his speech in the Convention of his own State, he tells us, — "The gentlemen from South Carolina and Georgia argued in this manner: We have now liberty to import this species of property, and much of the property now possessed had been purchased or otherwise acquired in contemplation of improving it by the assistance of imported slaves. What would be the consequence of hindering us in this point? The *slaves* of Virginia would rise in value, and we should be obliged to go to your markets." (*Elliott's Debates*, III. 454.) Certainly, Sir, these South Carolina and Georgia delegates were "very wise men," and their predictions are now history, and the planters of Georgia, South Carolina, Mississippi, and Louisiana buy slaves of the Virginia breeders. But what shall I say of the wise men from the East? This horrible compromise,

this guarantee of the African slave-trade for twenty years, was carried by the votes of the Massachusetts and Connecticut delegates, and would have been defeated, had they had the courage and virtue to have voted against it.

I have indulged in this long digression, to show that the clause in the Constitution respecting fugitive slaves was not, as you represent it, the great compromise of the Constitution, the key-stone of the Union, and that our slave-holding fathers were not, as you suppose, greatly perplexed, nor their consciences deeply wounded, by the existence of slavery in all the States of the confederacy with one exception. Having disposed of your history, I return to your logic.

Whether the constitutional injunction to surrender fugitive slaves was a compromise or not, is of no practical importance. The clause speaks for itself, and prescribes no mode by which the title of the claimant shall be ascertained, while it expressly implies that the title shall be established before the surrender is made. Hence, the fair presumption is, that the title to a MAN shall be proved, with at least as much certainty and formality as the title to a horse. Had you, Sir, in your law, provided that a Virginian shall not come to Boston, and there seize and carry off a husband, wife, or child but by the same process, and on as strong evidence, as he may now seize and carry off a horse which you claim as your own, instead of finding your name a byword and a reproach, you would have been honored and applauded by your fellow-citizens, and returned to Congress by a triumphant vote; nor is there a syllable in the Constitution which prohibits or discountenances such a mode of deciding the title to a human being. It is in vain, then, Sir, that you plead your "constitutional obligation" in justification of your most detestable law. But, as if one wrong could justify another, you plead in your excuse the law of 1793, and you ask in your simplicity of those who condemn your law if they do not perceive that they are "denouncing their fathers." Well, Sir, were our fathers

infallible? Pity it is, Sir, that you were not on the floor of Congress when that body declared the African slave-trade to be PIRACY. You might then, Sir, have risen in your place, and inquired, "Do you not perceive that you are denouncing your fathers, who were very wise men, and who guaranteed for twenty years the very traffic which you now proclaim to be piracy?" Pity it is, Sir, that you did not stand by the side of your patron on Plymouth Rock, and whisper in his ear, "Do you not perceive that you are denouncing our fathers?" when he declared, "In the sight of our law the African slave-trader is a PIRATE and a FELON, and in the sight of Heaven an offender beyond the ordinary depth of human guilt." Mr. Webster is better versed in constitutional history than you are, and he well knew that some of our fathers "deliberately declared they would not enter a Union" in which they were to be debarred from pursuing this piratical, felonious, guilty traffic. Our fathers were mostly slaveholders, and yet you, Sir, unconsciously denounce both their morality and intelligence, when you affirm the institution of slavery to be "wrong and unwise." And yet all who presume to find fault with your cruel, unjust, wicked law are guilty forsooth of denouncing their fathers!

You tell us that the Convention of 1787 "*agreed that the new Constitution should have nothing to do with slavery.*" I have not been so fortunate as to find the record of this agreement, but if such a compact was indeed made, then seldom, if ever, has a solemn covenant been more grossly and wickedly violated. Is it, Sir, in virtue of this agreement, that you voted to fine and imprison every conscientious, humane citizen who may refuse, at the command of a minion of a commissioner, to join in a slave hunt? Did this agreement confer on the holders of slaves an enlarged representation in Congress? Was it in pursuance of this agreement that the importation of slaves was guaranteed for twenty years? Did this agreement authorize the Federal government to enter into negotiations with

Great Britain and Mexico for a mutual surrender of runaway slaves? Was it in pursuance of this same agreement, that our government negotiated with Russia and Spain to prevent emancipation in Cuba, — a traitorous conspiracy with despots against the rights of man? How, Sir, was this agreement illustrated, when Daniel Webster, as Secretary of State under John Tyler of glorious memory, made a demand on Great Britain for the surrender of the slaves of the Creole, who had gallantly achieved their liberty, and taken refuge in the West Indies? How comes it, Sir, that under this agreement an act of Congress secures to the Slave States officers in the navy in proportion to the number of their slaves? How is it, that under this agreement colored men are seized in the District of Columbia, under "the exclusive jurisdiction" of the Federal government on the *suspicion* of being slaves, and, when that suspicion is rebutted by the non-appearance of any claimant, are sold as slaves for life, to pay their jail-fees? Perhaps it would be denouncing our fathers, to say that Messrs. Webster and Cass may search the archives of Austria in vain for any act so utterly diabolical as this, perpetrated by a government which it was agreed "should have nothing to do with slavery." Was it to carry out this famous agreement that the Federal government officially declared through its Secretary, Mr. Calhoun, that Texas was annexed to preserve the institution of slavery from the perils that threatened it?

Once more, Sir. We all know that the slaveholders regard the free blacks as dangerous to the subordination of their slaves, and are contemplating their forcible removal. Think you, Sir, Mr. Webster was mindful of the agreement you have discovered, when, on the 7th of last March, in his place in the Senate, he proposed his magnificent scheme of taxing the whole nation untold millions to give additional security to property in human beings? "If," said the Massachusetts Senator, "any gentleman from the *South* shall propose a scheme of colonization to be carried

on by *this government* upon a large scale, for the transportation of free colored people to any colony or *any place in the world*, I should be quite disposed to incur almost any degree of expense to accomplish the object." The magnitude of the scheme, and the cost at which it is to be accomplished, are thus hinted: — "There have been received into the treasury of the United States EIGHTY MILLIONS of dollars, the proceeds of the sales of the public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed TWO HUNDRED MILLIONS of dollars. If *Virginia and the South* see fit to adopt any proposition to *relieve* themselves from the free people of color among them, they have my free consent that the *government* shall pay *them* any sum of money out of the proceeds which may be adequate for the purpose." Will you, Sir, please to point out the article of the agreement of 1787, which, while it restricts Congress from having any thing to do with slavery, sanctions an appropriation not exceeding two hundred millions of dollars, for the purpose of strengthening the institution of slavery, by *relieving* the slaveholders from the presence of free people of color, and forcibly transporting to any place in the world hundreds of thousands of native-born Americans, who have as good a constitutional right to the pursuit of life, liberty, and happiness on their native soil, as Mr. Webster himself? Mr. Webster, it seems, now views the subject of negro colonization in precisely the same light that he did thirty years since, although his *intentions* on this, as on various other points, have undergone marvellous changes. We learn from a Massachusetts paper (*Congregationalist*, 6 July, 1849), that this gentleman was in 1822 appointed by a public meeting to draft a constitution for the State Colonization Society. After considerable discussion in the committee he rose and said, "I must leave. I understand the whole project. It is a scheme of the slaveholders to get rid of their free negroes. I will have nothing to do with it."

And how, Sir, as a member of Congress, have *you* fulfilled this agreement to have nothing to do with slavery? Not only have you required "good citizens," when commanded, to hunt and catch slaves, but you have even fixed a money value on every slave. If a master fails to recover his fugitive slave through the agency, "direct or indirect," of any citizen, you give him an action for damages. In all other cases of trespass, the damages sustained by the plaintiff are assessed by a jury according to the evidence. You kindly save the master the trouble of proving the value of his lost property, and give him out of the pockets of the defendant $1,000, no matter whether the slave was sick or well, young or old. If a woman escapes with a child at the breast, the master is to have $2,000! Recollect, Sir, this is for *damages* to the slaveholder; the trespasser is to pay to the government, which was to have nothing to do with slavery, another thousand dollars, and to be incarcerated six months. Either, Sir, you have wholly mistaken the nature of the "agreement," or the slaveholders, through the aid of their Northern auxiliaries, have, in defiance of the agreement, rendered the Federal government a mighty engine in protecting, extending, and perpetuating the stupendous iniquity of human bondage.

Your first excuse for voting for the recent slave-catching law, after relying on your "constitutional obligation," is, that it is "*practically more favorable to the fugitive than the law of* 1793"!!! The Southern lawyers, then, who drafted the bill, were a set of blunderers, and your constituents are blockheads for blaming you for legislating against human rights, when, in fact, you were loosening the bonds of the oppressed, and facilitating escape from the prison-house. Your assertion may well excite astonishment at the South as well as the North, till your *proof* is known, and then, indeed, astonishment will be exchanged for ridicule. You tell us, "the *evidence* of such an assertion may be found in the fact, that by the old law every magistrate in Massachusetts, amounting to several hundreds, and so in

the other States, were authorized and required to cause the arrest of any fugitive, examine into his case, and deliver him to the claimant, if he was proved to be a slave; while under the new law that power is *limited* to the justices of the United States courts, and to the commissioners appointed by them, not exceeding, perhaps, on an average, six or eight persons in each State." So it seems the slave-catchers had formerly no difficulty in finding a magistrate among hundreds to aid them, but that now, before they hunt a slave, they must hunt and catch a United States judge, or a commissioner of six or eight in a whole State. Truly a hard case, and yet the slaveholders themselves set the very trap in which they have been caught, and thus it is that, through their folly, and your generosity in not pointing out to them the blunder they were committing, the new law is more favorable to the fugitive than the old one. Surely, Sir, it could not have been more perilous to the young West Indian judge to meddle with "reasons," than it is for you. Either, Sir, you voted for the law without reading it, or you have forgotten its provision. Be assured, the Southern lawyers were as well acquainted as yourself with the fact, that a few individuals, termed "commissioners," had been appointed by the United States courts to perform certain ministerial acts; and that, as these men were now to be promoted to the office of slave-catching judges, they would be wholly inadequate in number to lend efficient aid to the hunters of men. Hence, they inserted in the third section of the bill, the following enactment, which has strangely escaped your recollection, viz.: —"And it is further enacted, that the Circuit Courts of the United States, and the Superior Courts of *each* organized Territory of the United States, SHALL from time to time ENLARGE THE NUMBER OF COMMISSIONERS with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this act." So that, instead of six or eight commissioners in a State, we are to have as many hundreds, if needed. Nor

is this all. By the second section, the power possessed by the Circuit Courts to appoint commissioners is for the first time conferred on the *Territorial* courts, so that there shall be no lack of slave-catching judges in Oregon, Utah, and New Mexico. Instead of your six or eight commissioners in a State, your law contemplates that there shall be one or more in *each county;* for the fifth section provides, that, "the better to enable the said commissioners to execute their duties faithfully and efficiently, ... they are hereby authorized and empowered, within their *counties respectively*," to appoint one or more persons to execute their warrants. So it seems we are to have an unlimited number of judges and executioners. These executioners, expressly appointed to catch slaves, and of course among the most worthless and degraded of the community, are one and all invested with the power of a high sheriff to call out the *posse comitatus*, not merely in his own county, but in every hamlet in the State, and require "good citizens," under pain of fine and imprisonment, to join him in his execrable hunt. Really, Sir, your "evidence" that the new law is more favorable to the fugitive than the old one falls short of demonstration.

You thus apologize for not giving the alleged fugitive a trial by jury. "There was no more trial by jury provided for under the old law than under the new law. The claim of a jury trial is entirely *new;* never thought of till modern discussions of the subject begun. For fifty-seven years our fathers and we have been living under the laws which provided no such thing, and now one which makes no such provision is denounced in unmeasured terms as cruel and inhuman. Where have we all been living for half a century?" Surely, Sir, it is a most logical reason for not changing a wicked law, that it has been in force for fifty-seven years. Strange that the legislators of Massachusetts did not perceive the force of this reasoning when they abolished the laws for hanging witches and whipping Quakers. Permit me, Sir, to ask, Where had *you* been liv-

ing when *you* declared it to be the *duty* of Congress to give the fugitive a trial by jury, although for fifty-seven years such a trial had been denied him? You probably forgot, Sir, when giving the above "reason," that, not long before you took your seat in Congress, you had, as a member of the Massachusetts Legislature, voted for the following resolution, viz.: — "We hold it to be the duty of that body [Congress] to pass such laws only in regard thereto as will be maintained by the public sentiment of the free States, where such laws are to be enforced, and which shall especially secure all persons, whose surrender may be claimed as having escaped from labor and service in other States, the right of having the validity of such claim determined by a jury in the State where such claim is made." So it seems that, while in Boston, you esteemed it the *especial duty* of Congress to grant the fugitive a trial by jury, but that in the atmosphere of Washington you acquired new views of moral philosophy.

Suffer me, Sir, also to inquire, Where had Mr. Webster been "living for half a century," when, on the 3d of last June, he introduced into the Senate a bill amendatory of the act of 1793, granting the alleged fugitive a trial by jury whenever he shall make oath that he is not the slave of the claimant?

Another of your "reasons" is, that your law does *not* suspend the *habeas corpus*, and in proof of its innocence in this respect, you refer to the opinion of "legal authority of the highest kind," viz. Mr. Crittenden, of Kentucky. It is very true that the words *habeas corpus* are omitted in your law, as the word *slave* is in the Constitution, but in neither case is the omission of any practical importance. You must be aware, Sir, that whenever a person is in the custody of another, if sufficient ground be shown to render it probable that the custody is illegal, the writ is granted as a matter of right. But why is it granted? That the court may at its discretion, according to circumstances, remand or discharge the prisoner. Take away from the

court the discretionary power to discharge, and the writ is rendered an idle form. Your law, you say, does not suspend the *habeas corpus;* it is guiltless of such an enormity. A man who is carrying off one of our citizens in chains, may indeed be served with the writ, and he brings his prisoner before the court, and he produces a paper for which he paid $10, and reads from your law, that this paper, called a certificate, "shall be conclusive," and "shall prevent all molestation of said person or persons by any *process* issued by any court, judge, or magistrate, or other person whomsoever." It is because the word *process*, instead of *habeas corpus*, is used, that your law does not suspend the writ of freedom! In vain may the prisoner plead that he is not the person mentioned in the certificate; in vain may he offer to show that the certificate is a forgery; in vain may he urge that the man who signed the certificate was not a commissioner. The little piece of paper costing ten dollars is to save the slave-catcher from "all molestation," not because the writ of *habeas corpus* is suspended, — O, no! but in consequence of the words "any process"!

You refer to two objections, which you say are made to your law, and endeavour to refute them; viz. the onerous obligations imposed upon the marshal, and the penalties attached to an attempt "to assist in the rescue of the slave after he has been proved to be such." You have evinced your discretion in confining yourself to only four objections made to your law; viz. the denial of a jury trial, the suspension of the *habeas corpus*, the duties of the marshal, and the penalties imposed on an attempt to rescue the slave *after* judgment. With what success, and with what "reasons," you have combated the first two has already been seen. As to the last two, they scarcely merit an answer, and hence you have selected them. If the obligations of the marshal are onerous, he has voluntarily assumed them by accepting the office. If, in a civilized country, a man attempts forcibly to rescue a prisoner in the custody of the

law, he must expect to be punished. There are many weighty objections to your law which you have not thought it expedient to notice. Permit me to supply your omission, and to tell you why your law is so intensely odious. And here let me again remind you of the true issue between you and the people. It is not now the constitutional power of Congress under the decision of the Supreme Court to pass a law for the recovery of fugitive slaves, — this is conceded. The odium you have experienced, and against which you have appealed to the public, is caused by your having voted for a law which, in its details, violates the Constitution, and outrages justice and humanity. Throughout your long and labored apology, you avoid grappling with these charges. You vindicate the denial of a jury trial only on the ground that it has been denied for fifty-seven years, and on the authority of Mr. Crittenden affirm that the *habeas corpus* is not suspended; but you avoid the constitutional and moral objections urged against your law.

By the Constitution, fugitive slaves are to be restored to those, and those only, who are legally entitled to their services. The means of ascertaining whether a man is a slave, whether he has fled from his master, and whether the claimant is legally entitled to him, are not defined by the Constitution. It is now intrusted to the discretion of Congress to specify these means, but of course that discretion ought to be exercised in accordance with the Constitution, with justice, and with humanity. The complaint against you is, that you have voted for a law which outrages them all, and against this complaint you have failed to offer the shadow of a vindication.

A Virginian comes to Boston, and there seizes one of the inhabitants as his slave. The man claimed declares the claim to be false and fraudulent. Here, then, is an issue both of law and of fact between two men equally entitled to the protection of law; for the man claimed is on every presumption of law and justice to be regarded as free, till

the contrary is proved. The issue between these two men is, I have said, one of fact and of law. Is the person seized the man he is said to be? This is a question of fact. Admitting his identity, is he a slave, and, if so, does he belong to the claimant? These are both questions of law, resting upon facts to be proved. Those familiar with the reports of Southern courts know that the title to slaves is a frequent matter of litigation, involving intricate questions respecting the validity of wills, the construction of deeds, the partition of estates, and the claims of creditors. By carrying a slave into a free State, the owner forfeits his title to him while there, and cannot reclaim him; and hence the acts of the claimant himself may be involved in the issue. And now, Sir, I ask, have you ever known, or can you conceive of, any issue at law respecting the title to property so awfully momentous to a defendant as the one we are considering? Were your son or daughter the defendant in such an issue, would you not rejoice to purchase a favorable judgment by the contribution of the last cent of your great wealth? Let us, then, proceed to inquire what provision *you*, in the fear of God and the love of justice and humanity, have made for the trial of this tremendous issue, — an issue on the result of which all the hopes of a fellow-man for the life that is, and for that which is to come, are suspended.

In the first place, What is the pecuniary value of the plaintiff's claim to *himself?* — for it would be an insult to humanity to estimate in dollars and cents the blessings of liberty and of the conjugal and parental relations to the unhappy defendant. You have yourself fixed the value of the plaintiff's claim at *one thousand dollars*. So far, then, the issue is, by your own showing, within the constitutional guarantee of trial by jury in all suits at common law where the matter in controversy is of the value of *twenty* dollars. But is the claim made by the plaintiff "a suit at common law"? What is a *suit?* The Supreme Court thus answers the question: — "We understand

it [a suit] to be the prosecution or pursuit of some *claim*, demand, or request. In law language, it is the prosecution of some demand in a court of justice." (6 *Wheaton*, 407.)

It seems, then, that the Virginian, in claiming an inhabitant of Boston as his slave, in fact brings *a suit* against him for services due worth one thousand dollars. Now remember, Sir, the fugitive is not to be delivered up, as a mass of flesh, or inanimate matter, belonging to the claimant, but as a debtor, in the phraseology of your own law, "*owing* service or labor." The suit is brought for service or labor *due*, and the Constitution provides that the person so owing service or labor shall be delivered to him to whom the same is "*due*." And now, is this suit for service due "a suit at *common law*"? Again let the Supreme Court answer. "The phrase *common law*, found in this clause [the clause guaranteeing a jury trial], is used in contradistinction to equity and admiralty and maritime jurisdiction. It is well known, that, in civil causes in courts of equity and admiralty, juries do not intervene, and that courts of equity use the trial by jury only in extraordinary cases, to inform the conscience of the court. When, therefore, we find that the amendment requires that the right of trial by jury shall be preserved in suits at common law, the natural conclusion is, that this distinction was present to the minds of the framers of the amendment. By *common law*, they meant what the Constitution denominated, in the third article, 'law'; not merely suits which the common law recognized among its old and settled proceedings, but suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized, and equitable remedies were administered. . . . . In a just sense, the amendment, then, may be construed to embrace *all suits* which are not of equity and admiralty jurisdiction, *whatever may be the peculiar form* which they may assume to settle legal rights." (3 *Peters*, 446.)

If there be meaning in words, these authorities settle the

case, and your law is in palpable violation of the amendment to the Constitution securing a trial by jury in suits at common law where the matter in controversy exceeds twenty dollars in value. Think not, Sir, that I am misrepresenting the Supreme Court. I know well that the *dicta* I have quoted have reference to *white* men, and that they have been virtually set aside in decisions respecting black men. I well know, that, in our model republic, law and justice and morality are all cutaneous. But admitting that the Supreme Court have stultified themselves, and virtually denied, that, where a suit was brought for the services of a *black* man, the Constitution required a jury trial, recollect, Sir, that not in one single instance has the court decided that the Constitution *prohibited* such a trial. But if not prohibited, then Congress are permitted to accord such a trial, and *both you and Mr. Webster have declared that Congress had a right to grant such a trial, and ought to grant it.* In voting, therefore, for a law denying such a trial, you made a voluntary surrender to the slaveholder of the security which such a trial would have afforded to multitudes of your poor, ignorant, oppressed fellow-men. "For this act of cruelty and injustice, committed against your own late conviction of duty, what is your justification? Why, that the blacks had been already deprived of the right of trial by jury fifty-seven years!

Let us now see what tribunal you have substituted for a jury in the trial of one of the most momentous issues that can engage the attention of a court of justice. You have provided for the appointment of an indefinite number of judges, each of whom is to have exclusive jurisdiction of these issues, and from whose judgment there is to be no appeal. The Constitution declares, "The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office." These judges

are appointed by the Senate, on the nomination of the President Your herd of judges, called commissioners, are appointed by the courts, and hold office during pleasure, and instead of receiving a salary, are rewarded by a rule the infamy of which, it is believed, belongs to your law exclusively, — a rule which doubles their compensation whenever they decide in favor of the rich plaintiff, and *against* the poor and friendless defendant. But perhaps you will deny that these men are judges; for, if judges, their appointment is palpably unconstitutional. Let us hear the Supreme Court, at a time when it was deemed expedient to maintain that the persons who executed the law of 1793 were *judges*. "It is plain, that, where a claim is made by the owner out of possession for the delivery of a slave, it must be made, if made at all, *against some other person;* and inasmuch as the right is a right of property, capable of being recognized and asserted by proceedings *before a court of justice between parties adverse to each other*, it constitutes, in the strictest sense, a *controversy* between parties, and a case arising under the Constitution of the United States, within the express delegation of judicial power given by that instrument." (16 *Peters*, 616.) Hence your commissioners are, in the *strictest sense*, judges, exercising "judicial power" delegated by the Constitution.

You pronounce Mr. Crittenden "legal authority of the highest kind." This legal authority understands the sixth section of your law as providing that each commissioner "shall have judicial power and jurisdiction to hear, examine, and decide the case in a summary manner." Now, if a man, having judicial power and jurisdiction to decide controversies between parties adverse to each other, in controversies arising under the Constitution and within the express delegation of judicial power given by that instrument, is not a judge, do tell us who is one. Once more, Sir, Mr. Crittenden says, "The legal authority of every tribunal of exclusive jurisdiction, where no appeal lies, is

of necessity conclusive upon every tribunal; and therefore the judgment of the tribunal created by this act is conclusive upon all other tribunals." So your commissioner is not only a judge, but he constitutes a tribunal of exclusive jurisdiction, and his judgment is binding even upon the Supreme Court of the United States. And yet, Sir, you must deny that this omnipotent commissioner is a judge, or you must admit, that, in the mode of his appointment, you have flagrantly violated the Constitution of your country.

It has been most wickedly asserted by our proslavery presses and our proslavery politicians, that the surrender of fugitives from labor and fugitives from justice are similar proceedings. The surrender of a fugitive slave involves two questions, that of identity and that of property; and the law makes the decision of the commissioner on both points final and conclusive upon every State and Federal court in the land. The surrender of a fugitive criminal involves only the question of personal identity. The Governor of the State issues his warrant for the apprehension and delivery of a certain person proved to him to be charged with felony. If the officer arrests the wrong person, he does it at his peril, and a writ of *habeas corpus* would immediately release the person wrongfully arrested. Again, it is most fraudulently maintained, that, if the wrong person is by the commissioner adjudged a slave, he may sue for his freedom in a Southern court! Should he do so, the exhibition of the commissioner's certificate is by law declared to be conclusive *upon all tribunals*. But even supposing that a Southern court, in defiance of law, should go behind the certificate, how is a free colored person from the North, working under the lash on a Mississippi plantation, to prove his freedom? How is he to fee a lawyer? How is he to get into court? If once there, where are his witnesses? They are his friends and acquaintances of his own color residing in the North. How are they to be summoned to Mississippi? Should they venture to enter

the State, they would be imprisoned, and perhaps sold into slavery; or even if permitted to enter the court-room, their testimony would by law be excluded, against the claims of a white man. How despicably profligate, then, is the assumption of the advocates of your law, that any injustice committed under it would be repaired by Southern courts!

It was not enough, it seems, that the wretched defendant in this momentous issue should be subjected to the jurisdiction of a judge unknown to the Constitution, holding his office by a prohibited tenure, incapable of being impeached, and bribed to decide in favor of the plaintiff by the promise of double fees, but the very trial allowed him must be a burlesque on all the forms and principles of juridical justice. The plaintiff, without notice to the defendant, prepares himself for trial, and when his affidavits or witnesses are all ready, he seizes the unsuspecting victim in the street, and puts him *instanter* on his defence. Had the wretched man been accused of some atrocious crime, he might have demanded bail, and would have been permitted to go at large to seek for counsel, to look for witnesses, and to prepare for trial at some future day, of which he would have due notice. But no such privilege is allowed a man who is accused of *owing service.* One of your commissioners has already decided that the law does not permit him to bail the prisoner. The slave power rides in triumph over all the barriers erected by the wisdom of ages for the protection of human rights. The defendant is brought, generally in irons, before your commissioner judge, who is required "to hear and determine the case of *the claimant* in a summary manner." The law seems not even to imagine the possibility of any defence being made on the part of the defendant. It makes no provision for such a defence, — no assignment of counsel, no summons for witnesses. We shall see presently, that if the plaintiff makes out a *primâ facie* title, satisfactory to the commission, it is all the law requires. Let me

now call your attention to the practical working of your diabolical law. A man named Rose was lately seized at Detroit, and brought before a commissioner as a fugitive slave. I copy from the newspaper report. "Mr. Joy (counsel for defendant) moved a postponement of the trial to a future day, to enable Rose to produce his papers to establish his right to freedom, which papers he had *sworn* were in Cincinnati. The counsel for the claimant denied that the commissioner had any authority under the law to grant a postponement. The commissioner agreed with the counsel for the plaintiff, that *he had no authority to postpone the trial;* and he further declared, that, *even were the papers by which Rose was manumitted present, he could not under the law receive them in evidence.*"

Utterly devilish as was this decision, it was sound law. The plaintiff had proved his title satisfactorily, and this being done, the commissioner was bound by the express words of the law to grant the certificate. He had no right to admit rebutting evidence. It was sufficient to prove that the prisoner had been the slave of the claimant's father, and that the claimant was the heir at law of his father. This of itself was satisfactory, and therefore the commissioner had no right to admit in evidence the very deed of manumission granted by the father to the slave. The framers of the law had been as explicit as they dared to be. "Upon satisfactory proof being made by deposition or *affidavit*, to be taken and certified, &c., or by other satisfactory testimony [of course, in writing, and *ex parte*], and with proof, also by affidavit, of the *identity* of the person," &c., the defendant is to be surrendered. Not a hint is given that any testimony may be received to rebut the *satisfactory* proof given by the plaintiff. You have, moreover, Sir, provided a species of evidence never before heard of in the trial of an issue. By the tenth section, the claimant may go before a judge or court in Texas, and there make proof by affidavit that *his* slave has escaped. Whereupon, the court or judge

is to certify that the proof is satisfactory. A record of this satisfactory proof, together with a description of the fugitive, is to be made, and a certified transcript of this record, "being exhibited to any judge, commissioner, or other officer authorized," &c., "*shall* be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is *due* to the party in such record mentioned." Here all defence is taken from the defendant. Should he summon a host of witnesses to prove his freedom, not one could be heard; should he offer a bill of sale from the claimant to another, it could not be received; should he produce a deed of manumission, acknowledged and certified in a Southern court, it would be waste paper. And thus a man's freedom is to be sacrificed on an affidavit made a thousand miles off. What, Sir, would you think of a law that would authorize the seizure and sale of your property to satisfy a debt which any man in California might think proper to swear, before a Californian judge, was *due* from you to him?

Such, Sir, is the *trial* which you, the representative of Boston, a descendant of the Pilgrims, and "a gentleman of property and standing," have accorded to the poor and oppressed. Did the Constitution require such a prostitution of justice, such an outrage of humanity, at your hands? I need not be told that some of your commissioners have not construed your law as strictly as did the Detroit functionary. Thanks to the force of public opinion, and to the zeal of some benevolent lawyers, whose hearts were not padded with cotton, in some instances defendants have been permitted to call witnesses in their behalf; and some regard has been paid to the ordinary principles of justice. But in all such instances, the spirit of the law and the intentions of its framers have been frustrated.

And now let us listen to your "reason" for justifying all the atrocities and abominations of your law. You gravely tell us, "The entire population of the North has acqui-

esced in the law of 1793, without thinking itself exposed to the charge of barbarity, and I have only to say, that I do not think the charge any more just now." Certainly, Sir, the young colonial judge could not have given a reason less logical or satisfactory. You must be an inattentive observer of passing events, if you are ignorant that the law of 1793 has again and again been denounced as iniquitous, that some of the States have prohibited their officers from assisting in its execution, that numberless petitions have been presented to Congress for its repeal, and that you yourself, instead of acquiescing in it, solemnly declared it to be the duty of Congress so far to alter the law, as to grant the alleged fugitive a trial by jury. Yet the law of 1793, wicked as it was, was justice and mercy compared with yours. The trials under that were almost invariably before judges of the State courts, not appointed like your commissioners for the vile and only purpose of reducing their fellow-men to bondage. There judges were not confined to *ex parte* evidence, were not compelled to receive "as full and conclusive" affidavits made in distant States, and by unknown persons. For the most part, they honestly endeavoured, by a patient investigation according to the ordinary rules of evidence, and by holding the plaintiff to strict legal proof, to supply the want of a jury.

David Paul Brown, Esq., of Philadelphia, in a letter of last November, affirms that for the last thirty years he has been engaged as counsel in almost every important fugitive case brought before the judges and courts of Philadelphia, and he tells us, "thanks to those upright and impartial and independent judges by whom the rights of the parties were finally determined," he knows of no instance in which a colored person was, in his opinion, wrongfully surrendered. But he adds, "I have known HUNDREDS who have been illegally and unjustly claimed." This experienced lawyer, commenting on your law, justly says it allows "*ex parte* testimony to be received against the alleged fugitive, which, upon no principle known to the common law, could be re-

ceived upon the claim to a horse or a dog." About four weeks after the date of this letter, Mr. Brown was called to defend an alleged fugitive "illegally and unjustly claimed," not before one of the "upright and impartial and independent" Pennsylvania judges, but before one of your ten-dollar slave-catching judges. I beg you to mark the result.

On the 21st of December, a colored man was arrested in the street in Philadelphia, without warrant, and accused of stealing chickens. He was thrust into a carriage, driven to the State-House, carried into an upper room, and handcuffed. In this state he was detained till a commissioner arrived. The name of this executor of your law is worthy of remembrance. EDWARD D. INGRAHAM ought to be as much endeared to slave-catchers, as Judge Jeffries was to James the Second.

By some means, the arrest became known, and counsel appeared for the prisoner. Your commissioner was informed that the prisoner had only been seized an hour and a half before, and had not heard the charge against him; that his counsel had had no time to learn the plaintiff's case, nor to prepare for the defence; that there were persons residing at a distance, some in New Jersey and some in Wilmington, who would be important witnesses in his behalf. On these grounds, a motion was made for a continuance. And what, Sir, do you suppose was the reply made by the slave-catching judge to this motion? "THE HEARING IS TO BE A SUMMARY ONE: LET IT PROCEED." No doubt you fully participate in Mr. Webster's indignation against Austrian barbarity; but see no barbarity in this accursed proceeding against a *colored* American. The hearing did proceed, and James S. Price, on behalf of the plaintiff, swore that the prisoner was Emery Rice, the man claimed, but knew nothing further about his being a slave, except that he had seen him riding the claimant's horse. Had *heard it said* the prisoner was a slave. This was the amount of the testimony on behalf of the claimant. Any honest jury, nay, any honest judge, would instantly have

decided in favor of the prisoner. Not so Mr. Edward D. Ingraham. The counsel for the defendant asked again for a postponement, and founded the motion on the *oath* of the defendant, that he could procure six persons, naming them, to testify to his freedom. A delay of one hour was asked for. This was refused, and the judge (!) sent for a certificate to sign. During the delay thus occasioned, one of the six persons named by the defendant appeared, and swore that he had known the prisoner all his life. That he was not Emery Rice, but Adam Gibson; that he was a freeman, having been manumitted by the will of his late master. Mr. Brown produced a copy of the will of the late master, and it so far confirmed the testimony of the witness. Another person in the crowd now came forward, and swore that he also knew the prisoner, and that he was a free person, and that he was Adam Gibson. But all was in vain. The commissioner signed the certificate, and, with an obtuseness of intellect which marked him as a fit subject for a commission of lunacy, declared, "He had no doubt of the identity of the prisoner with the slave Emery Rice, and that *all other proceedings must be before the courts of Maryland*, whither he would send him."* And so the prisoner, without seeing his wife and children, whom he had that morning parted from unsuspicious of danger and unconscious of crime, was hurried off at the expense of our glorious model republic, under an escort of officers, who delivered him, not to the courts of Maryland, but to Mr. William S. Knight, the reputed owner. But Mr. Knight told the officers, "You have brought me a wrong man; this is not Emery Rice; this man is no slave of mine." And so Adam Gibson returned to Philadelphia, and is now a living illustration of the abominable iniquity of one of the most accursed laws to be found in the statute-book of any civilized nation.

You do not think your law more barbarous than that of

* See report in the *New York Tribune*, 25th December, 1850.

1793. Let me further enlighten you. Judge McLean of the Supreme Court, in his opinion delivered last May in the case of *Norris* v. *Newton et al.*, remarks, — "In regard to the arrest of fugitives from labor, the law [act of 1793] *does not impose any active duties on our citizens generally*"; and he argues in defence of the law, that "it gives no one a just right to complain; he has only to refrain from an express violation of the law." In other words, the law only required individuals to be passive spectators of a horrible outrage, and did not compel them to be active participators in other men's villany. Now, what says your law? Why, that every commissioner may appoint as many official slave-catchers as he pleases, and that each of these menials may "summon and call to their aid the *by-standers* or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the Constitution referred to in conformity with the provisions of this act, AND ALL GOOD CITIZENS ARE HEREBY COMMANDED TO AID AND ASSIST in the prompt and efficient execution of this law, whenever their services may be required." And what is the fate you have provided for the "good citizen," who, believing slavery to be sinful, cannot, in the fear of God, "aid and assist" in making a fellow-man a slave? Any person "who shall aid, abet, or assist" the fugitive "directly or indirectly" (cunning words) to escape from such claimant, as, for instance, refusing to join in a slave-hunt when required, shall be fined not exceeding $1,000, be imprisoned six months, and pay the claimant $1,000. I hope, Sir, you are now able to perceive that your law has a preëminence in barbarity over its predecessor. And now, Sir, please to recollect, that party discipline, aided by the influence of Messrs. Webster and Clay, and the factory and cotton interest of Boston and New York, could not procure for this atrocious law the votes of *one half* the members of the House of Representatives. Of two hundred and thirty-two members, only one hundred and nine dared to place their names on an enduring and

shameful record, while many basely deserted their seats, fearing alike to vote either for or against it. You, Sir, following Mr. Webster's advice, "conquered your prejudices," and in company with *two* more Northern Whigs, one of them a native of Virginia, cast your vote for this bill of abominations. But, although you voted for the law, you do not wish your constituents to suppose you approved of it. "It will not, I trust, be inferred from any thing I have said, that I consider the law which has passed unexceptionable. There are amendments which I strongly desire to be introduced into it." What are the exceptionable features of the law, what are the amendments you desire, you refrain from specifying. But you tell us that you would have labored for these amendments "had it been possible, but every body knows that it was *impracticable*." You allude to the *previous question*, which prevented both discussion and amendments. But why, then, did you vote for an objectionable bill which could not be amended? Here, again, we have one of your unfortunate reasons. "I deem conformity to the design of the Constitution more important than the objectionable details of the bill." So, by your own confession, had there been no previous question, you would have swallowed the bill with all its objectionable details, out of reverence for the *design* of the Constitution, although that design neither embraced nor required a single one of those details. Did you, Sir, vote *against* the previous question? On this point you are silent, and the minutes afford no information; but *if* you did, your vote was a most remarkable aberration from your proslavery course in Congress. *After* the previous question had been seconded, it was moved to lay the bill on the table. Had this motion been carried, you might have introduced another bill, omitting the "objectionable details," but you voted with the slaveholders. The slaveholders then moved that the bill be read a third time. Had this been lost, there would have been a chance of correcting the "objectionable details." Again you voted

with the slaveholders, and a third time, also, on the main question.

I will now, Sir, call your attention to the disastrous influence which your law has exerted on the *moral sense* of the community. Says Coleridge, "To dogmatize a crime, that is, to teach it as a doctrine, is itself a crime." Of this crime of dogmatizing crime, Mr. Webster, and most of our cotton politicians, and, alas! many of our fashionable, genteel divines, are guilty; nor are you innocent, Sir, who in your law require "GOOD citizens" to aid in hunting and enslaving their fellow-men.

In former years, and before Mr. Webster had undergone his metamorphosis, he thus, in a speech at New York, expressed himself in regard to the antislavery agitation at the North. "It [slavery] has arrested the *religious feeling* of the country; it has taken strong hold of the consciences of men. He is a rash man indeed, little conversant with human nature, and especially has he a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is *to be trifled with or despised.*" This gentleman has become the rash man shadowed forth in his speech, and is trifling with and despising the religious feeling of the North. In his street speech in Boston, in favor of slave-hunting, he avowed that he was well aware that the return of fugitives "is a topic that must excite prejudices," and that the question for Massachusetts to decide was, "whether she will conquer her own prejudice." In his letter to the citizens of Newburyport, he sneeringly alludes to the "cry that there is a rule for the government of public men and private men which is superior to the Constitution," and he scornfully intimates that Mr. Horace Mann, who had objected to your law as wicked, would do well "to appeal at once, as others do, to that high authority which sits enthroned above the Constitution and the laws"; and he gives an extract from a nameless English correspondent, in which the writer remarks, "Religion is an excellent thing except in politics,"

a maxim exceedingly palatable to very many of our politicians. Aware that the impiety of this sentiment was not exactly suited to the meridian of Massachusetts, he says his friend undoubtedly meant "a fantastical notion of religion." Of course, he regards the religious prejudice against hunting and enslaving men as springing from a fantastic notion of religion. Yet, with a strange fatuity, he confesses that "the teaching of Christ and his Apostles is a sure guide to duty in *politics*, as in any other concern of life," utterly oblivious of the fact, that the "higher law," which he ridicules, was proclaimed in that very teaching. Christ taught, "Fear not them [magistrates] who kill the body, but are not able to kill the soul, but rather fear HIM who is able to destroy both soul and body in hell." What taught the Apostles? "We must obey God, rather than man." Such teaching it was, that gave birth to "the noble army of martyrs," and this very teaching will induce multitudes of Christians at the present day to hazard fines and imprisonment rather than obey the wicked injunctions of your law. It was this same teaching which, on the publication of your law, induced numerous ministers of Jesus Christ, and various ecclesiastical assemblies, to denounce it as wicked, and obedience to it as rebellion against God. This expression of religious sentiment alarmed both our politicians and our merchants. How could the one expect Southern votes, or the other Southern trade, if the religious people at the North refused to catch slaves? Hence arose a mighty outcry against the blending of religion with politics, and most fearful were the anathemas against the parsons who desecrated the pulpit by preaching politics, that is, preaching that people ought to obey God rather than the Fugitive Slave Act. Such men were, in the language of one of the New York commercial journals, "clerical preachers of rebellion," and their congregations were exhorted to "leave them to naked walls." But the leaven was at work, and an antidote was greatly wanted. Supply of course follows demand, and forthwith there was a sud-

den advent of cotton clergymen, preaching against rebellion, and cunningly confounding a conscientious, passive disobedience with forcible resistance. Their sermons, in which virtually

> "The image of God was accounted as base,
> And the image of Cæsar set up in its place,"

were received with mighty applause by the very men who had been striving to save the pulpit from all contaminating contact with politics, and the reverend preachers of cotton politics were elevated into patriots, and their disquisitions against the "higher law" were scattered on the wings of the commercial press broadcast over the land.* The theol-

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* In one of the most celebrated of these sermons, we find the following broad assertion: — "If God *has* left to men the choice of the *kind* of government they will have, he has *not* left it to their choice whether they will obey human government or not. He has *commanded* that obedience." Our rulers command us, when required by a commissioner's agent, to aid in hunting and seizing our innocent fellow-men, and delivering them into the hands of their task-masters. That the reverend preacher would render a cheerful obedience to such a mandate, there is little doubt. We read that the Jewish rulers, "The chief priests and Pharisees, had given a *commandment*, that, if any one knew where he (Jesus) was, he should show it, that they might take him." Strange is it, that of the college of Apostles there was but one "good citizen," who rendered obedience to the powers ordained by God; all the others suffered death for their wilful, deliberate defiance of the laws and the magistrates of the land. As a specimen of the teaching of these cotton divines, I quote from this same admired sermon the following precious piece of information, viz.: — "Nor is it true that the *fugitive slave* is made an *outlaw*, and on that ground justifiable for bloody and murderous resistance of law. He is under *the protection of law;* and if any man injures him, or kills him, the law will avenge him, just *as soon as it would you or me.*" To deny the truth of this solemn declaration, made in the house of God, would be, in the reverend gentleman's estimation, but a portion of "that perpetual abuse of our Southern brethren" of which he complains. He must, however, permit us to call his attention to the following advertisements respecting a FUGITIVE SLAVE, published in the Wilmington Journal of the 18th of October last, in pursuance of a law of the State of North Carolina.

"*State of North Carolina, New Hanover County.* — Whereas complaint upon oath hath this day been made to us, two of the justices of the peace for the State and County aforesaid, by Guilford Horn, of Edgecombe County, that a certain male slave belonging to him, named HARRY, — a carpenter by trade, about 40 years old, 5 feet 5 inches high, or thereabouts, yellow com-

ogy which holds that the allegiance we owe to civil government binds the conscience to obedience to its mandates, is the same with which Shakspeare's assassin quieted his scruples when acting under the royal command, — "If a king bid a man be a villain, he is bound by the indenture of his oath to be one."

It is amusing to observe with what awful reverence our merchants and brokers regard the sanctity of human law, when it commands them to catch slaves; a reverence not always felt by them for the statute of usury when the money market is tight.

A vast deal of nonsense and impiety has been recently thrown upon the public in relation to the "higher law," by men who had political and pecuniary interests depend-

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plexion, stout built, with a scar on his left leg (from the cut of an axe), has very thick lips, eyes deep sunk in his head, forehead very square, tolerably loud voice, has lost one or two of his upper teeth, and has a very dark spot on his jaw, supposed to be a mark, — hath *absented* himself from his master's service, and is *supposed* to be lurking about in this County, committing acts of felony or other misdeeds: These are, therefore, in the name of the State aforesaid, to command said slave forthwith to surrender himself, and return home to his master; and we do hereby, by virtue of the act of Assembly in such case made and provided, intimate and declare that if the said slave Harry doth not surrender himself, and return home immediately after the publication of these presents, that any person or persons may KILL and DESTROY the said slave by such means as he may think fit, without accusation or impeachment of any crime or offence for so doing, and without incurring any penalty or forfeiture thereby.

"Given under our hands and seals, this 29th day of June, 1850.

"JAMES T. MILLER, J. P.
"W. C. BENTTENCOURT, J. P.

"ONE HUNDRED AND TWENTY-FIVE DOLLARS REWARD will be paid for the delivery of said HARRY to me at Tonsott Depot, Edgecombe County, or for his confinement in any jail in the State, so that I can get him; or one hundred and fifty dollars will be given for his HEAD. He was lately heard from in Newbern, where he called himself Henry Barnes (or Burns) and will be likely to continue the name or assume that of Coppage or Farmer. He has a free mulatto woman for a wife, by the name of Sally Bozeman, who has lately removed to Wilmington, and lives in that part of the town called Texas, where he will likely be lurking.

"GUILFORD HORN.

"*June* 29, 1850."

ing on the good-will of the slaveholders. The whole subject is perfectly simple and intelligible, and has been intentionally misrepresented and mystified.

Human government is indispensable to the happiness and progress of human society. Hence God, in his wisdom and benevolence, wills its existence; and in this sense, and this alone, the powers that be are ordained by him. But civil government cannot exist, if each individual may, at his pleasure, forcibly resist its injunctions. Therefore Christians are required to *submit* to the powers that be, whether a Nero or a slave-catching Congress. But obedience to the civil ruler often necessarily involves rebellion to God. Hence we are warned by Christ and his Apostles, and by the example of saints in all ages, in such cases, not to obey, but to submit and suffer. We are to hold fast our allegiance to Jehovah, but at the same time not take up arms to defend ourselves against the penalties imposed by the magistrate for our disobedience. Thus the Divine sovereignty and the authority of human government are both maintained. Revolution is not the abolition of human government, but a change in its form, and its lawfulness depends on circumstances. What was the "den" in which John Bunyan had his glorious vision of the Pilgrim's Progress? A prison to which he was confined for years for refusing obedience to human laws. And what excuse did this holy man make for conduct now denounced as wicked and rebellious? "I cannot obey, but I can suffer." The Quakers have from the first refused to obey the law requiring them to bear arms; yet have they never been vilified by our politicians and cotton clergymen, as rebels against the powers that be, nor sneered at for their acknowledgment of a "higher" than human law. The Lord Jesus Christ, after requiring us to love God and our neighbour, added, "There is none other commandment greater than these"; no, not even a slave-catching act of Congress, which requires us to hunt our neighbour, that he may be reduced to the condition of a beast of burden.

Rarely has the religious faith of the community received so rude a shock as that which has been given it by your horrible law, and the principles advanced by its political and clerical supporters. Cruelty, oppression, and injustice are elevated into virtues, while justice, mercy, and compassion are ridiculed and vilified.

But lately, the business of catching slaves was regarded as one of the lowest grades of scoundrelism. Now, great pains are taken by our gentlemen of property and standing to ennoble it; and men of eminence in the legal profession are stooping to take the wages of iniquity, and lending themselves to consign to the horrors of American slavery men whom they know to be innocent of crime. Nay, we have seen in New York a committee of gentlemen actually *raising money by voluntary contribution* to furnish a slave-catcher with professional services gratis; — a free gift, not to mitigate human misery, but to aggravate the hardships of the poor and friendless a thousandfold. Can men of standing in the community thus openly espouse the cause of cruelty and oppression, and, from commercial and political views, trample upon every principle of Christian benevolence, without corrupting the moral sense of the people to the extent of their influence? When gentlemen club together to hire a lawyer to assist a slave-catcher, no wonder that the commercial press should teem with the vilest abuse of all who feel sympathy for the fugitive. One of the most malignant proslavery journals in New York is edited by your colleague and fellow-Whig, the Honorable Mr. Brooks, and his brother. I copy, Sir, for your consideration, the following article from the *New York Evening Express*, published during the late trial in that city of Henry Long, an alleged fugitive: —

"Two fugitive cases are now before our courts; one that of the negro Henry Long, and the other that of three white Frenchmen, under the extradition treaty with France. The negro's case makes a great deal of noise, because he is black; the three white Frenchmen are hardly heard of.

The three white French people pay their own counsel: they may have committed a robbery in Paris, or may not; are perhaps innocent, though possibly guilty; but here they are on trial, with no chance of a trial before a jury! If they are sent back, and are convicted, they go to the galleys, and are slaves for life. The negro, Henry Long, lucky fellow for being black! lives in clover here, and has one of the best speakers in the city, on the best fee, interests all the Abolitionists in all quarters, who contribute money freely for his defence, and if he is returned, leaves here canonized as a martyr, and goes back to the condition he was born in, to fatten on hog and hominy, better fed and better clothed than nine tenths of the farm laborers in Great Britain. Another consideration strikes us, and that is, the cost of defending Long will buy his freedom three times over. The very fee of his counsel would purchase his freedom. But to buy him and pay for him, *not steal* him, would leave no room for agitation. And where does this money come from, that cares for Long and neglects the three Frenchmen? From England, in the main, we believe. The Abolitionists here do not *contribute it.*"

It would be difficult to find in the Satanic press a more clumsy piece of malignant falsehood. We have here, from the same pen, and in the same article, the assertions, that the Abolitionists, in all quarters, we are assured, "contribute money freely for his defence"; and then the money, it is believed, comes mainly from England. "The Abolitionists here do not contribute it." To contribute money for the legal defence of a fugitive is *stealing him.* The cost of defending Long amounted to three times the price that would be asked for him. Long, after his return, sold in Richmond for $750; of course his defence cost $2,250. To whom, and for what, was this money paid? Long could not be bought in New York, all advances for the purpose being peremptorily repulsed. His counsel's fee was $300, being all contributed in New York, and about $100 of it being raised by the free colored people. While

$300 were thus raised to give Long the chance of a legal defence, gentlemen of the New York Union Safety Committee, of which your colleague has the honor of being a member, contributed $500 to aid the slave-catcher in reducing to bondage a man unaccused of crime!

I am inclined to believe, Sir, that you have little cause to congratulate yourself, that, in voting for the Fugitive Slave Law, you have advanced the cause of truth, justice, humanity, or religion.

A refusal to *obey* your wicked law has been artfully represented as a determination to *resist* its execution. Very few of our white population have intimated the most distant intention of resorting to illegal violence. Very many ecclesiastical bodies have denounced your law as so iniquitous, that they could not in conscience obey it; but I challenge you to point to a *single instance* in which such a body has recommended forcible resistance. To the vast accumulation of impiety uttered in support of your law has been added a fiendish ridicule of the benevolent and Christian feeling arrayed against it. It is true, that some of our free blacks and fugitives have declared, that they would, at the hazard of their lives, defend themselves against the kidnapper. Whatever may be thought of the wisdom of such a determination, be assured it will tax your logical powers to the utmost to prove that God has conferred the right of self-defence exclusively upon white men. The slave is a prisoner of war, and instead of being protected by law, he is subjected by it to every conceivable outrage. When murdered, his owner seeks in the courts *damages* at the hands of the murderer, as he would for the death of his horse. For no possible injury committed on his person, either by his owner or others, can he receive compensation, although the law may profess to punish cruelty to him as to other animals. Now it has never been regarded as immoral, by those who admit the right of self-defence, for a prisoner of war to effect his escape by slaying his guard. All this, I know, will horrify a certain class

of our divines and politicians. But let them be patient. I am not laying down a doctrine, but stating *facts*, which they may disprove if they can. Let them remember, that all the slavery which they delight to find in the Bible was the slavery of *white* men, and that the Roman slaves in the time of Christ, whose bondage, we are told, he and his Apostles approved, were held by the *right of war*. White Americans have been held as slaves by the same holy and Scriptural tenure. Let us, then, inquire how the escape and resistance of *white* slaves have heretofore been regarded. In 1535, the white slaves in Tunis alone amounted to twenty thousand. Cervantes, who had himself been a slave in Algiers, says in his writings, "For liberty we ought to risk life itself; slavery being the greatest evil that can fall to the lot of man." Acting upon this precept, he himself, while a slave, planned a general insurrection of the slaves. Yet Cervantes was recognized as a faithful son of the Church, and the license prefixed to his works declares they contain nothing contrary to the Christian religion. The Annual Register for 1763 announces, that, "last month, the Christian slaves at Algiers, to the number of four thousand, rose and killed their guards, and massacred all who came in their way." The insurrection was suppressed, but no one in Europe denounced the insurgents as bloodthirsty wretches, nor regarded their effort as an impious and anti-Christian rebellion against the powers ordained of God. In the reign of Elizabeth, one John Fox, a slave on the Barbary coast, slew his master, and, effecting his escape with a number of his fellow-slaves, arrived in England. The queen, instead of looking upon him as a murderer, testified her admiration of his exploit by allowing him a pension.*

Washington Madison performed a similar exploit on board an American coast slaver, and arrived, with a large number of his fellow-slaves, in the British West Indies.

* For the facts on this subject, see the admirable work by Charles Sumner, entitled "White Slavery in the Barbary States."

Mr. Webster, then Secretary of State, officially demanded of the British government the surrender of this heroic man as a MURDERER.

In 1793, there were one hundred and fifteen American slaves in Algiers, held by as perfect and Scriptural a tenure as any slave is now held in any part of our wide republic. Had one of these slaves made his escape by killing his Algerine master, would any of our patriotic divines, would any gentleman of the "New York Union Committee of Safety," would even Mr. Webster himself, have pronounced him a murderer? Had the captain of a British ship favored his escape, and given him a passage to Boston, would your colleague, the Honorable Mr. Brooks, have accused him of slave-stealing? Is it not possible, Sir, that, with very many of our casuists and moralists, questions of conscience are decided according to the tincture of a skin?

I will now ask your attention to some of the political consequences resulting from the late measures in which you rejoice, and for which you voted. No sooner had Congress made the required concessions to the slave power, than the advocates of those measures claimed the glory of having given peace to the country, and perpetuity to the Union. Mr. Webster, as one of the chief agents in this blessed consummation, received the congratulations of a crowd in Washington. In his reply he observed, — "Truly, gentlemen, the last two days have been great days. A work has been accomplished which dissipates doubts and alarms, puts an end to angry controversies, fortifies the Constitution of the country, and strengthens the bond of the Union.

> 'Now is the winter of our discontent
> Made glorious summer; . . . . .
> And all the clouds that lowered upon our house
> In the deep bosom of the ocean buried.'"

The glorious summer anticipated by the orator proved cold and brief, and if the lowering clouds were indeed buried in the ocean, the sea has given up its dead. Never

before, since the organization of the government, has such a tempest of indignation swept over the land. Never before, in a single instance, has there been manifested throughout the religious portion of the community, of all creeds and names, such a settled determination in the fear of God to withhold obedience to a law of the land. The sentiments of the great mass of the people of the free States, exclusive of the commercial cities, are briefly but emphatically embodied in a resolution of the Common Council of Chicago, viz.: — "The Fugitive Slave Act recently passed by Congress is revolting to our moral sense, and an outrage on our feelings of justice and humanity, because it disregards all the securities which the Constitution and laws have thrown around personal liberty, and its direct tendency is to alienate the people from their love and reverence for the government and institutions of our country."

How far the clouds which hovered over our house have been dissipated, let the recent rout of Mr. Webster's party in Massachusetts testify. Let his own declaration, a month after the *peace* measures were adopted, that the Union was passing through a *fiery trial*, testify.* How far the work of the two days has fortified the Constitution, let the recent law of Vermont, denounced as an utter nullification of the Constitution, because it rescues the alleged fugitive from the hands of the commissioner, and gives him a jury trial before a State court, testify. When rumors were rife that Mr. Webster intended to repudiate his own thunder, the Wilmot Proviso, the *New York Herald*, the chief Northern organ of the slaveholders, promised that, if the Senator would indeed pursue a course so patriotic, a grateful country would, at the next election, place him in the Presidential chair. But scarcely had the acts advocated by Mr. Webster been consummated, than the *Herald*, with sardonic malice, announces, — "The predictions of Mr. Clay, that the Compromise Bill would speedily conciliate

* Letter to Union Meeting in New York, 28th Oct., 1850.

all parties, and restore the era of good feeling, were exactly the reverse of the actual consequences. Mr. Webster has been cast overboard in Massachusetts. General Cass has been virtually condemned in Michigan. Mr. Dickinson, the President, and his cabinet, have been routed in New York. Mr. Phelps has been superseded in Vermont. Whilst in Ohio, Illinois, Iowa, and Wisconsin, the Free-Soilers have carried off the booty." And he winds up with declaring, that the next President "can't be Fillmore nor Webster."

If the "peace measures" have strengthened the bond of the Union, what mean all the meetings lately held to *save the Union?* Why is the tocsin now sounded by the very authors and friends of the measures? How comes it that, in Boston itself, the chairman of a Union meeting contradicts the exulting and jubilant shout of triumph uttered by the Secretary of State, and makes the following doleful announcement: — "The Union, and consequently the existence of this nation, is menaced, and unless there is a great and general effort in their support, we may soon behold the mighty fabric of our government trembling over our heads, and threatening by its fall to crush the prosperity which we have so long and happily enjoyed." So relaxed has become the bond of our Union, that one hundred gentlemen of property and standing in New York have, under the style and title of "The New York Union Committee of Safety," assumed the onerous task of taking it into their safe-keeping. "Committees of safety" are associated with times of peril and anarchy, and are never wanted when alarms have ceased, angry discussions ended, the Constitution fortified, and the bond of union strengthened.

In this universal panic, in this dread entertained, especially in Boston, by Mr. Webster's friends, of soon seeing the mighty fabric of our government trembling over their heads, it may, Sir, be consolatory to you and others to know how so dire a calamity may be averted. The chiv-

alric Senator from Mississippi — the gentleman who threatens to hang one Senator if he dare place his foot on the soil of Mississippi, who draws a loaded pistol on another, and for a third bears a challenge to mortal combat — was lately in the city of New York. The Committee of Safety found him out, and lauded him for his fearless discharge of duty, and his fervor and devotion to the Union, and welcomed him to the commercial emporium in the name of all who appreciate the blessings we enjoy, and are willing to transmit them to their children. The worthy and conciliatory gentleman very appropriately communicated to the committee having the Union in charge the conditions on which alone it could be saved, notwithstanding its bond had so recently been strengthened. These conditions are, we learn, four in number.

1. "The Fugitive Slave Bill passed by Congress shall remain the law of the land, and be faithfully executed."

Both you and Mr. Webster admit that the Constitution permits a jury trial to the fugitive. Should Congress, in its wisdom, and in obedience to the wishes of the great mass of the Northern population, and in the exercise of its constitutional power, elevate property in a human being to the same level with that in a horse, and permit a jury to pass upon the title to it, — *the Union must be dissolved.*

2. "The Wilmot Proviso, that monstrous thing, shall not be revived." It was not courteous, certainly, in Mr. Foote thus to characterize Mr. Webster's thunder. The claim to this thunder was made in his speech, September, 1847, at the Springfield Convention, which nominated him for President; and the Convention, in his presence, thus declared their devotion to his missile. "The Whigs of Massachusetts now declare, and put this declaration of their purpose *on record*, that Massachusetts will never consent that Mexican territories, however acquired, shall become a part of the American Union, unless on the *unalterable* condition that there shall be neither slavery nor involuntary servitude, otherwise than in punishment for crime." The

next year Mr. Webster launched his thunder over the Territory of Oregon, and thus in his speech (10th August, 1848) vindicated it from the character now given to it by Mr. Foote: —

"Gentlemen from the South declare that we invade their rights when we deprive them of a participation in the enjoyment of territories acquired by the common services and common exertions of all. Is this true? Of what do we deprive them? Why, they say that we deprive them of the privilege of carrying their slaves as slaves into the new territories. Well, Sir, what is the amount of that? They say, that in this way we deprive them of going into this acquired territory with their property. Their property! What do they mean by this 'property'? We certainly do not deprive them of the privilege of going into those newly acquired territories with all that, in the general estimate of human society and common and universal understanding of mankind, is esteemed property. Not at all. The truth is just this. They have in their own States peculiar laws which create property in persons. . . . . The real meaning, then, of Southern gentlemen, in making this complaint, is, that they cannot go into the territories of the United States carrying with them their own peculiar law, a law which creates property in persons."

So the Wilmot Proviso was no monstrous thing at all, as applied to Oregon. When the question came up of applying this same Proviso to New Mexico and California, Mr. Webster discovered in these Territories a certain peculiarity of physical geography and Asiatic scenery which he had not discovered in Oregon, and which, he found, rendered it a physical impossibility for Southern gentlemen to carry there "a law which creates property in persons," and he therefore gave them full liberty to carry their law into those vast regions, if they could. But at the very moment of giving this liberty to Southern gentlemen, he courageously warned them that his thunder was good con-

stitutional thunder, and would be used whenever necessary. "Wherever there is an *inch of land* to be stayed back from becoming slave territory, I am ready to insert the principle of the exclusion of slavery. I am pledged to that from 1837, — pledged to it again and again, and I will perform those pledges." So, should we get another slice of Mexico, or annex Cuba or St. Domingo, Mr. Webster would revive the Wilmot Proviso, and then *he* will be the means, if he succeeds, of dissolving the Union!

3. The next condition announced to the Safety Committee is, — "No attempt shall be made in Congress to prohibit slavery in the District of Columbia."

Now it is the opinion of Mr. Webster, that Congress has the constitutional right, not merely to attempt, but actually to effect, the exclusion of slavery in *all* the Territories of the United States. The District of Columbia being placed by the Constitution expressly under "the exclusive jurisdiction" of Congress, the *constitutional* right to abolish slavery there has rarely been questioned; but it has been contended that good faith to the States which ceded the District forbids such an act of constitutional power. Hence, in 1838, a resolution was introduced into the Senate declaring that the abolition of slavery in the District would be "a violation of good faith," &c. What said Mr. Webster? "I do not know any matter of fact, or any ground of argument, on which this affirmation of plighted faith can stand. I see nothing in the act of cession, and nothing in the Constitution, and nothing in the transaction, implying any limitation on the authority of Congress." *

* On the 10th of January, 1838, Mr. Clay moved in the Senate the following resolution, viz.: — "Resolved, that the interference by the citizens of any of the States with a view to the abolition of slavery in this District, is endangering the rights and security of the people of this District; and that any act or measure of Congress designed to abolish slavery in this District would be a violation of the faith implied in the cession by the States of Virginia and Maryland, a just cause of alarm to the people of the slaveholding States, and have a direct and inevitable tendency to disturb and endanger the Union." — Passed, 38 to 8, Mr. Webster voting in the negative. *Senate Journal*, 2 *Sess.* 25 *Cong.*, p. 127.

4. The last condition on which the Union can be preserved is, — "No State shall be prevented from coming into the Union on the ground of having slavery." This is an unkind cut at Mr. Webster, since he has again and again pledged himself against the admission of slave States. Even so early as 1819, he advocated, in a public meeting at Boston, a resolution declaring that Congress "possessed the constitutional power, upon the admission of any new State created beyond the limits of the original territory of the United States, to make the prohibition of the further extension of slavery or involuntary servitude in such new State a condition of admission. That, in the opinion of this meeting, it is just and expedient that this power should be exercised by Congress upon the admission of all new States created beyond the original limits of the United States." In his New York speech, in 1837, he averred, "When it is proposed to bring new members into the political partnership, the old members have a right to say on what terms such new partners are to come in, and *what they are to bring along with them.*" In his Springfield speech, he insisted, "There is no one [he forgot Mr. Foote and his other Southern friends] who can complain of the North for resisting the increase of *slave representation*, because it gives power to the minority in a manner inconsistent with the principles of our government." So late as 1848, he proclaimed on the floor of the Senate, "I shall oppose all such extension [slave representation] at all times and under all circumstances, even against all inducements, against all combinations, against all compromises."

The State of Georgia, in her convention of December last, added a *fifth* condition to those stated by Mr. Foote as indispensable to the preservation of the Union, viz. : — "No act suppressing the slave-trade between the slaveholding States." Unfortunately for Mr. Webster, he is here, for the fifth time, virtually held up as a disorganizer, and an enemy of the Union; for in his speech in the Senate (6th February, 1837) he remarked, — "As to the point,

the right of regulating the transfer of slaves from one State to another, he did not know that he entertained any doubt, because the Constitution gave Congress the right to regulate trade and commerce between the States. Trade in what? In whatever was the subject of commerce and ownership. If slaves were the subjects of ownership, then trade in them between the States was subject to the regulation of Congress."

Mr. Webster declared, that the work of the two days in which he rejoiced had fortified the Constitution, and strengthened the bond of the Union; and yet we are now solemnly warned, by the very men and party with whom he is acting, that the bond is to be severed, should Congress pass any one of five laws, all and each of which he, the great expounder, declares the Constitution authorizes Congress to pass. So it seems the great peril to which we are exposed, the course which is to make the fabric of our government to tremble over the heads of the people of Boston, is, not the violation of the Constitution, nor the breach of its compromises, nor the invasion of the rights of the South, but the exercise by Congress of powers which Mr. Webster declares to be undoubtedly constitutional. The Abolitionists supposed they were following a safe guide when they confined themselves, in their petitions to Congress for legislative action against slavery, exclusively to such measures as they were assured, by the eminent expounder, were strictly constitutional. The Abolitionists have sympathized with this gentleman in the obloquy he incurred, in common with themselves, for holding opinions unpalatable to the slaveholders, and for maintaining the constitutional rights of Congress. Because he insisted, in the Senate, on the power of Congress over slavery and the slave-trade in the District of Columbia, Mr. Rives, of Virginia, was so unkind as to say, that the gentleman from Massachusetts, "if it so pleased his fancy, might disport himself in tossing squibs and firebrands about this hall; but those who are sitting upon a barrel of gun-

powder, liable to be blown up by his dangerous missiles, could hardly be expected to be quite as calm and philosophic." Because he presented antislavery petitions, and insisted on the duty of Congress to consider them, Mr. King, of Alabama, affirmed that the course which the Senator from Massachusetts had taken had "placed him at the head of those men who are inundating Congress with their petitions." Strange as it may now seem, Mr. Cuthbert, of Georgia, told Mr. Webster to his face in the Senate, "The gentleman had uniformly been opposed to all those measures which tended to quiet the country and heal those sectional dissensions which distract the Union."* Surely, when the Abolitionists have so long made Mr. Webster their polar star in all constitutional questions, and have incurred with him the accusation of tossing squibs and firebrands, and of opposing measures which tended to quiet the country and settle sectional dissensions, they had a right to expect from his friends a larger share of compassion and forbearance than they have experienced.

It would seem, Sir, that, in the late treaty of peace between the North and the South, it has been agreed and understood, that every power granted by the Constitution, whereby slavery can be protected, extended, and perpetuated, is to be actively enforced; and that every power which might be used for curtailing human bondage, however unquestionable may be its grant, shall for ever remain dormant, under the penalty of an immediate dissolution of the Union. This, Sir, is the treaty which our commercial cities are glorifying; this is the treaty which has turned our "winter of discontent" into "glorious summer." And think you, Sir, that the slaveholders, having eyes, see not, and having understandings, perceive not, the haberdashery patriotism which rejoices in such a treaty, and denounces as "fanatics," "vipers," and "woolly-headed philanthropists," all who do not confess it to be a glorious consummation?

* Speech, June 8, 1836.

The Southern papers tell us that our Union meetings are got up to "sell a little more tape and flannel"; and they remark, "It is very queer that Union meetings are held only in places which trade with the South." Out of regard to their Southern brethren, a member of the British House of Commons was insulted in Faneuil Hall by a portion of the Boston people, and forthwith the *New Orleans Delta*, instead of gratefully ackowledging the compliment, remarks, that their "good Union-loving friends in Boston are now solacing the South with sugar-plums in the shape of resolutions and speeches, and spice in the form of a row, got up on the occasion of the first appearance of George Thompson, an imported incendiary and hireling agitator. Such manifestation possesses an advantage which doubtless constitutes no small recommendation with our good brethren of Boston, — it is very cheap. The *cottoncratical* clerks and warehousemen may raise a hubbub in Faneuil Hall, but the fanatics can slay them at the *polls*."

It is some consolation to those who are now suffering all the contempt and opprobrium which can be thrown both upon their heads and their hearts, because they have refused to follow Mr. Webster in the devious paths in which it has lately been his pleasure to walk, that they have by their constancy and firmness extorted from their Southern antagonists a tribute which is not paid to their revilers. Said Mr. Stanley, of Virginia, in his speech in the House of Representatives last March, speaking of a certain class of Northern politicians, — "I would say, with a slight alteration of one of Canning's verses, —

> 'Give me the avowed, erect, and manly foe,
> Open I can meet, perhaps may turn, his blow;
> But of all the plagues, great Heaven, thy wrath can send,
> Save, O, save me from *a dough-face friend!*'"

In closing this long letter, permit me to advert to the opinion expressed abroad of your Fugitive Law. Mr. Webster thought it convenient to quote the sentiment of a nameless correspondent, as to the mischievous mixture of

religion with politics. Possibly the opinion of Dr. Lushington, one of the Lords of the Privy Council, Judge of the Vice-Admiralty Court, and the negotiator, on the part of Great Britain, of a recent treaty with France, may be entitled to at least equal weight. This gentleman, in a private letter to an English friend, and not intended for publication, thus speaks of your law: — "No one can feel more sincerely than myself, abhorrence of the Fugitive Slave Bill, — a measure as cruel and unchristian as ever disgraced any country." An Irish liberal, writing from Dublin, says, — "I long looked to your country as the ark of the world's liberties. I confess I hope for this no longer. The Fugitive Slave Bill is a shocking sample of the depravity of public sentiment in the United States. So atrocious a measure could not have passed into a law, if the majority of the people had not actively assented, or passively consented. Here, by the preponderating influence of our aristocracy, a small, but compact body, measures are often carried into laws that are very distasteful to multitudes; but such a mean, vile law as the Fugitive Slave Bill could not pass in England."

The English press, Whig, Tory, and Radical, is indignant at the atrocities of your law. The taunt of our slaveholders, that the English had better reform abuses at home, is thus met by a radical journal (*The People*): — "The Americans laugh at us when we speak of American slavery, so long as so many of our fellow-subjects in England and Ireland are perishing from starvation through monarchical and aristocratical tyranny. We answer, that the Americans *know* that the men and women who lift up their voices against American slavery are the enemies of British tyranny and oppression."

Your law, Sir, degrades the national character abroad; its excessive servility to Southern dictation excites the contempt of the slaveholders for the easy, selfish virtue of their Northern auxiliaries, while its outrages upon religion, justice, humanity, and the dearest principles of personal free-

dom, under pretence of preserving the Union, weaken the attachment of conscientious men for a confederacy which requires such horrible sacrifices for its continuance. All these evils might have been easily avoided by a law satisfying every requirement of the Constitution, and yet treating the alleged fugitive as a MAN, and granting him the same protection as is accorded to an alleged murderer. God gave you, Sir, an opportunity for which you ought to have been grateful, of illustrating your Puritan descent by standing forth before the nation as an advocate of justice and freedom, and of the rights of the poor and oppressed. Through a blind devotion to a political leader, you rejected the palm which Providence tendered to your acceptance, and have indelibly associated your name with cruelty and injustice. Had you retired from the notice of the public, as you did from the suffrages of the electors, you had acted wisely. In an evil hour for yourself, you stood forth as the champion of the Fugitive Slave Law. Its enemies rejoice in your rashness, for your feeble apology has rendered its deformities more prominent, and, by failing to vindicate, you have virtually confessed its abominations. May you live, Sir, to deplore the grievous error you have committed, and, by your future efforts in behalf of human freedom and happiness, atone for the wound they have received at your hands.

HANCOCK.

February, 1851.